

**February 22, 2016  
Springfield, Missouri**

The City Council met in regular session February 22, 2016 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Bob Stephens. A moment of silence was observed.

<b>Roll Call</b>	Present: Justin Burnett, Craig Fishel, Ken McClure, Jan Fisk, Craig Hosmer, Kristi Fulnecky, Phyllis Ferguson, Mike Schilling, and Bob Stephens. Absent: None.
<b>Minutes</b>	The minutes of February 8, 2016 were approved as corrected.
<b>Consent Agenda</b>	The Consent Agenda was finalized and approved as presented.
<b>Motion to Table Council Bill 2016-034</b>	Anita Cotter, City Clerk, notified Council she received a request from Geoffrey Butler, property owner's representative, to table Council Bill 2016-034. Councilman Schilling moved to table Council Bill 2016-034 indefinitely until the developer can rework it and present it to Council. Councilwoman Ferguson seconded the motion and it was approved by the following vote: Ayes: Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, Schilling, and Stephens. Nays: None. Absent: None. Abstain: None.

**CEREMONIAL MATTERS**

**City Managers report and responses to questions raised at the previous City Council meeting:**

Greg Burris, City Manager, responded all questions had been answered. Mr. Burris welcomed representatives from the National Resource Network, who are in Springfield to provide technical assistance in our work to improve economic conditions. Mr. Burris noted the National Resource Network is a consortium of experts from around the country working as a part of a federal initiative to assist cities with high rates of poverty. He stated their areas of focus are: workforce development, housing and anchor institutions. He stated community leaders will hear more from them at the Impacting Poverty Commission's "Taking Action" breakfast, scheduled for Wednesday, February 24, 2016.

Mr. Burris noted Springfield Police Chief Paul Williams has provided the monthly crime statistic report for Council's review. Mr. Burris stated the NBC Dateline episode on Sunday, February 21, 2016, featured the fine work of the Springfield Police Department and Greene County Prosecuting Attorney's office.

Mr. Burris noted Council Bill 2016-041, a bill requesting an additional inspector in the Building Development Services department, had been withdrawn. He stated he will submit this request for consideration as part of the Fiscal Year 2016-2017 budget process, and it will compete with all of the other budgetary priorities. Mr. Burris noted this staffing addition was planned many months ago in an attempt to support the Neighborhood Advisory Council's priority request. He stated Chris Straw, Director of Building Development Services, is evaluating staffing ideas to help cover the increased work demands associated with chronic nuisance properties.

Mr. Burris noted Bob Belote, Director of Springfield-Greene County Parks Department, provided Council with the monthly Park Board update. He stated US figure skater Gracie Gold won her second title at the US Figure Skating Championships in St. Paul, Minnesota last month. Mr. Burris noted Gracie, and her twin sister, Carly, both started skating after attending a friend's birthday party at the Mediacom Ice Park. He stated their names appear on several banners inside the ice park, listing winners of state and regional figure skating competitions.

Mr. Burris noted the Mayor's Task Force on Crisis Sheltering meeting with City Council is rescheduled for February 29, 2016. He stated this meeting will take place at noon in the Busch Municipal Building, in the fourth floor conference room. Mr. Burris noted the Task Force will present their recommendations and final report to City Council. He stated the previously scheduled meeting had to be postponed due to a posting mistake regarding posting of public meetings and apologized for any inconvenience the last-minute cancellation may have caused. Mr. Burris noted the City will remain diligent in following the requirements of the Missouri Sunshine Law.

Mr. Burris noted the Citizens' Sales Tax Oversight Committee (CSTOC) is charged with reviewing and monitoring the collection of sales tax revenues. He stated this includes the 1/4-cent Capital Improvement Sales Tax, the 1/8-cent Transportation Tax, the Hotel-Motel Sales Tax, and Police/Fire Pension Sales Tax. Mr. Burris noted during the Committee's six years of existence, we have only received positive reports from the Committee. He stated members include Arlene Chriswell, Mary Erickson, Bonnie Jenkins, Summer Masterson, Jennifer Nelson Colwell, Brian Perdue, Jack Thurman and chairman Bob Yeager. Mr. Burris noted Mr. Yeager will present the CSTOC's annual report to City Council.

#### **CSTOC Annual Report**

Bob Yeager, Chairman, CSTOC, noted the Committee reviews four sales taxes. He stated the Committee does not choose which projects to review or how to spend the money, rather the City provides reports to the Committee on revenues received and which projects will be funded or are planned to be funded and the Committee reviews whether the money is being spent in accordance with the ballot language. Mr. Yeager noted the Committee's report finds a good-faith effort collecting and accounting for expenditures related to each of these taxes. He stated the Committee reviewed the independent audit report of the Police and Firefighters' Pension Plan by BKD and he is pleased to announce the report reflects a clean audit of the plan. Mr. Yeager noted the upcoming election on April 5, 2016 will have a 1/8-cent Transportation Tax and a 1/4-cent Capital Improvement Sales Tax on the ballot. He stated City staff worked very close with Committee members throughout the entire process. Mr. Yeager noted the Committee adopted a resolution in support of the renewal of both the 1/4-cent Capital Improvement Sales Tax and the 1/8-cent Transportation Tax. Greg Burris, City Manager, expressed his appreciation to the members of the Committee and the City's Finance Department for their efforts.

#### **The following bills appeared on the agenda under Second Reading Bills:**

#### **Tabled**

Sponsor: Council Bill 2016-034. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning

**Rezoning 608, 614, and  
618 West Mount  
Vernon Street**

approximately 0.81 acres of property, generally located at 608, 614, and 618 West Mount Vernon Street, from R-SF, Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District; establishing Conditional Overlay District No. 103; and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Mount Vernon 608, LLC; 608, 614 and 618 West Mount Vernon Street; Z-39-2015 & Conditional Overlay District No. 103.)

**Aggressive Solicitation**

Sponsor: McClure. Council Bill 2016-040. A general ordinance amending the Springfield City Code, Chapter 78 – Offenses and Miscellaneous Provisions, Article I – In General by repealing Section 78-2 – Aggressive solicitation in its entirety.

Councilwoman Fulnecky expressed her opinion Council should keep the existing ordinances in place.

Councilman Burnett stated he will vote in support of the proposed. He expressed his opinion all panhandlers are not aggressive.

Mayor Pro Tem McClure expressed his appreciation to Dan Wichmer, City Attorney, for providing a thorough analysis of all appropriate case law. He expressed his opinion Council would be derelict in its duty to not adhere to and follow the dictates of the Courts. Mr. McClure noted he supports the proposed.

Councilman Hosmer stated he supports the proposed. He expressed his opinion the City has existing ordinances in place that will protect the citizens.

Councilman Schilling asked for data on the extent of complaints or cases that reflect the extent of panhandling in the City. Dan Wichmer, City Attorney, responded police officers have a difficult time getting people to sign a complaint against panhandlers.

Councilwoman Fulnecky expressed her opinion the City should not repeal this ordinance. She asked if the case law in question deals with aggressive and not passive panhandling. Mr. Wichmer gave an overview of court rulings on this issue. He noted the US Supreme Court has provided guidance on panhandling ordinances similar to Springfield's.

Mayor Pro Tem McClure asked for clarification on the City's next step. Mr. Wichmer responded Courts have ruled Cities have the right to deal with public safety and health concern. Mr. McClure asked if Council will review a revised ordinance based on safety and traffic studies. Greg Burris, City Manager, responded the first step is to reach out to national organizations for existing research to see if those results apply to the City.

Councilwoman Fulnecky asked for clarification on aggressive panhandling occurring in a downtown business. Mr. Wichmer responded the City has an existing no solicitation on private property ordinance that protects businesses.

Council Bill 2016-040. General Ordinance 6266 was approved by the following vote: Ayes: Burnett, Fishel, McClure, Fisk, Hosmer, Ferguson, Schilling, and Stephens. Nays: Fulnecky. Absent: None. Abstain: None.

**RESOLUTIONS.**

**EMERGENCY BILLS.**

**PUBLIC IMPROVEMENTS.**

**GRANTS.**

**AMENDED BILLS.**

**PUBLIC HEARING.**

**Conditional Use Permit  
No. 419 at 1124 and 1130  
East Elm Street**

Sponsor: McClure. Council Bill 2016-043. A special ordinance authorizing the issuance of Conditional Use Permit No. 419 to allow a reduction of the front yard setback along Elm Street within an R-HD, High-Density Multi-Family residential District and UN, University Combining Overlay District, generally located at 1124 and 1130 East Elm Street. (Planning and Zoning Commission and staff recommend approval.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the proposed will reduce the front yard setback requirement from 25 feet to 18 feet in order to accommodate a two-story porch.

Councilwoman Ferguson asked for clarification on the 18 foot setback. Ms. Smith responded the porch will be 18 feet from the property line.

An opportunity was given for citizens to express their views.

David Bodeen, property owner's representative, spoke in favor of the proposed.

With no further appearances, the public hearing was closed.

**FIRST READING BILLS.**

**Indecent Exposure**

Sponsor: Hosmer, Fisk, and Fishel. Council Bill 2016-044. A general ordinance amending the Springfield City Code, Chapter 78 – Offenses and Miscellaneous Provisions, Article V – Offenses Against Morals by repealing Section 78-222(b)(1) and enacting a new Section 78-222(b)(1). (The Plans and Policies Committee recommends approval.)

Dan Wichmer, City Attorney, gave a brief overview of the proposed. He stated prior to August 2015 the City had an ordinance defining indecent exposure as being in a state of nudity. In response to citizens' concern regarding an event downtown, Council reviewed the issue and passed a new ordinance redefining indecent exposure. Mr. Wichmer noted the new ordinance was challenged in court and the City lost the attempt to dismiss the lawsuit. He stated the proposed puts the original indecent exposure back in place since the City does not currently have an existing indecent exposure ordinance in place.

An opportunity was given for citizens to express their views. With no appearances, the discussion was closed.

**PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

**The following appeared on the agenda under New Business:**

**Records Retention**

As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

**UNFINISHED BUSINESS.**

**MISCELLANEOUS.**

**The following bill appeared on the agenda under Consent Agenda First Reading Bills:**

**Preliminary Plat of  
New Prime Phase Two**

Sponsor: Hosmer. Council Bill 2016-045. A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of New Prime Phase Two, generally located at the 2800 block of North Cedarbrook and Packer Avenues, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this ordinance. (Planning and Zoning Commission and Staff recommend that City Council accept the public streets and easements.)

**The following bill appeared on the agenda under Consent Agenda One Reading Bills:**

**Sanitary Sewer District  
No. 111L of Section No.  
2**

Sponsor: Burnett. Council Bill 2016-046. A special ordinance to levy and assess a special tax against the lots, blocks, and parcels of ground hereinafter described to pay for the cost of the construction of sanitary sewers within the City, in Sanitary Sewer District No. 111L of Section No. 2, in the general vicinity of Elm Street and Anoka Place, providing for inclusion of said district in the City Sewer Financial Assistance Program, and authorizing the City Clerk to issue special tax bills and deliver the same to the Director of Finance to be registered in her office in accordance with the ordinance.

Council Bill 2016-046. Special Ordinance 26696 was approved by the following vote: Ayes: Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, Schilling, and Stephens. Nays: None. Absent: None. Abstain: None.

**Sanitary Sewer District  
No. 17 of Section No.  
26**

Sponsor: Fisk. Council Bill 2016-047. A special ordinance amending Special Ordinance No. 26552 to redefine the boundaries of Sanitary Sewer District No. 17 of Section No. 26 of the main sewers of the City of Springfield located in the general vicinity of Kearney Street and Lurvey Road.

Council Bill 2016-047. Special Ordinance 26697 was approved by the following vote: Ayes: Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, Schilling, and Stephens. Nays: None. Absent: None. Abstain: None.

**South Creek  
Restoration Project**

Sponsor: Schilling. Council Bill 2016-048. A special ordinance authorizing the City Manager, or his designee, to accept state grant funds in the amount of \$10,000 from the Missouri Department of Conservation (MDC), to support native plant establishment and enhancement on the South Creek Restoration Project; to provide matching in-kind services in the approximate amount of \$3,760; to enter into an agreement with MDC for acceptance and use of those funds; to exercise any and all powers to obtain such funding and carry out the identified activities; and to amend the budget of the Department of Environmental Services for Fiscal Year 2015-2016 in the amount of \$10,000 to appropriate the state grant funds.

Council Bill 2016-048. Special Ordinance 26698 was approved by the following vote: Ayes: Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, Schilling, and Stephens. Nays: None. Absent: None. Abstain: None.

**National Incident  
Management System**

Sponsor: Fulnecky. Council Bill 2016-049. A resolution adopting the National Incident Management System (NIMS) to serve as a policy guideline allowing the City to integrate the process into their everyday working environment.

Council Bill 2016-049. Resolution 10260 was approved by the following vote: Ayes: Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, Schilling, and Stephens. Nays: None. Absent: None. Abstain: None.

**The following bills appeared on the agenda under Consent Agenda Second Reading Bills:**

**Adjourn**

With no further business to come before Council, the meeting adjourned at approximately 7:03 p.m.

Anita J. Cotter, CMC/MRCC  
City Clerk

Prepared by Tom Smith  
Assistant City Clerk